



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 24, 1998

Ms. Judith Hunter
Paralegal
City of Georgetown
P. O. Box 409
Georgetown, Texas 78627-0409

OR98-2845

Dear Ms Hunter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119660.

The City of Georgetown (the "city") received an open records request for records pertaining to "all calls to 550 West 22nd to include disturbances, arrests, etc. from August 1, 1998 to date." You have submitted to this office as responsive to the request records pertaining to a burglary and robbery, and a subsequent offense of "hindering apprehension." You state that you have released to the requestor some of the responsive documents, but seek to withhold other police records pursuant to section 58.007 of the Family Code and section 552.108 of the Government Code.

Section 58.007(c) of the Family Code provides in pertinent part:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

In this instance, one of the individuals accused of the burglary and robbery is a juvenile. Consequently, the city must withhold the offense report, investigative supplements, and

voluntary statements pertaining to the burglary and robbery, as well as the arrest report pertaining to the arrest of the juvenile, pursuant to section 58.007(c) of the Family Code.

We next address the applicability of section 552.108 of the Government Code to the remaining arrest and offense reports. Section 552.108(a)(1) excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” Because you have informed us that the Williamson County District Attorney is pursuing charges in connection with the burglary and robbery, we conclude that you have met your burden of establishing that the release of the remaining offense and arrest reports at this time could interfere with law enforcement.

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). The city therefore must release these types of information contained in the offense and arrest reports in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/nc

Ref.: ID# 119660

Enclosures: Submitted documents

cc: Ms. Vickie Kubiak
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(w/o enclosures)